

PUBLIC HEARING -- February 14, 1968

The Zoning Administrator of the District of Columbia, appellee.

EFFECTIVE DATE OF ORDER - March 22, 1968

FINDINGS OF FACT:

(4) On November 20, 1963 Mr. William Walton, Chairman, Commission of Fine Arts, wrote to Mr. Julian P. Green, Assistant Superintendent of Licenses and Permits, expressing the desire of Fine Arts Commission to limit the height of structure in the Watergate Project to "a cornice line 140 feet above water level, the same height as the Lincoln Memorial and, in addition, would allow one penthouse story above the cornice." This letter went on to say "in addition, the Commission expressed opposition to the so-called villas that would occupy most of the open space in the complex".

(5) The plans submitted to the Board for consideration on February 14, 1968 incorporated the villas within the lower level of the high rise structure. The plans approved by the Zoning Commission on July 17, 1962 provide for 64,000 square feet of gross floor area above the ground in "one and two story structures" (Villas). In order to comply with the wishes of the Fine Arts Commission, the Watergate developers have removed the Villas. To compensate for the loss of floor area, the developers have shifted the aforementioned floor area into the lower level of the high rise structure and, at the same time, reduced the floor area involved to 54,605 square feet. The appellants contend that this modification can be approved by the Board as follows:

- (a) The Board could approve this modification in accordance with the provisions of subsection 7501.73, Paragraph(a):

"The shifting of any approved building within its lot lines as originally submitted to the Zoning Commission in order to retain the flexibility of design desirable hereunder."

- (b) The Board could also approve the modification under the provisions of subsection 7501.72, Paragraph(b), which permits five percent modification of the gross floor area. The gross floor area of all high rise structures approved by the Zoning Commission is 1,728,000 square feet. If the space finally provided as a substitute for the villas is added to that approved for the high rise structures, the final gross floor area for the high rise structure would be 1,782,605 square feet. This would amount to a 3.1% increase in floor area in high rise structure which is well within the five percent latitude provided in subsection 7501.72.

(6) Final architectural plans have resulted in other modifications as follows:

- (a) Maximum height 130 feet, reduced to 111 feet and 6 inches.
- (b) Lot occupancy of 143,650 square feet or 34.2%, increased to 146,486 square feet or 34.2%.
- (c) FAR including the area originally in public streets of 4.5, reduced to 4.38.

- (d) Parking spaces 1,250, reduced to 1,245.
- (e) Eleven loading berths, reduced to 10.
- (f) Office area 183,000 square feet, increased to 189,400 square feet.
- (g) Thirteen hundred apartments, reduced to 1238.
- (h) Three hundred hotel rooms, increased to 303.

The foregoing plan changes are the result of technical and architectural refinement of the plans are all well within the 5% latitude provided in subsection 7501.72 except for the reduction in the number of loading berths.

(7) Architects for the appellant testified that the additional loading berth can be provided.

(8) The proposed development was opposed at the hearing by Mr. Ralph E. Becker, Attorney for the Kennedy Center. Mr. Becker continued to oppose this appeal on the same six grounds submitted at the public hearing on October 18, 1967. Objection was also based on several technical grounds incorporated in the record, the condition that the appellants had not sustained the burden of proof, and that the Board's Order of January 16, 1968 is contrary to the evidence.

OPINION:

In the opinion of the Board, the proceedings in this case were in accordance with the Zoning Regulations and the intent and purpose of Section 7501 for large scale planned development projects. Therefore, the Board reaffirms its opinion of January 16, 1968 and denies the motions of the attorney for the opposition.

The Board is further of the opinion that the plans and testimony of the applicants sustained the burden of proof. In our opinion the record of this and previous hearings related to this project justify the changes that the developers final plans represent, except for the reduction in the number of loading berths.

The increase in the gross floor area of the high rise structure is offset by the deletion of the one and two story structures and does not result in any significant change in the overall bulk of the project. The resultant increase in gross floor area of the high rise structures is well within the 5% latitude the Board may grant and is justified by the removal of the one and two story structures and the improvement in the overall design of the project.

OPINION Cont'd

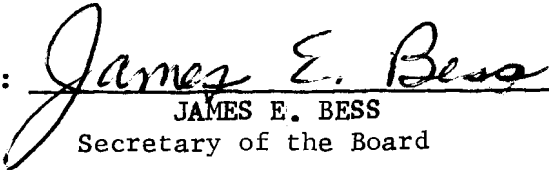
The Board does, therefore, approve the plans for Building No. I, Stage IV as being consistent with the intent of the Zoning Regulations and particularly the stated purpose of Section 7501 to encourage the design of well planned large scale developments which offer a variety of building types and more attractive and efficient overall plans and design without sacrificing creative and imaginative planning.

This Order shall be subject to the following conditions:

- (1) The developer shall provide a total of 11 loading berths.
- (2) The one and two story structures (Villas) shall be permanently deleted from the project.
- (3) The Board under the terms of this Order shall retain jurisdiction to modify this approval as provided by Paragraph 7501.79 of the Zoning Regulations.

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED:

BY: 
JAMES E. BESS
Secretary of the Board